

PETITION FOR EXTENSION OF TIME ✓

Applicants' Amendment and Response and Notice of Appeal, submitted responsive to the final rejection of the application, were received by the Office on **October 7, 2002**. However, despite the fact that such responses following final rejection are supposed to receive expedited processing, the Advisory Action, maintaining the final rejection, was not mailed until **January 15, 2003**. Thus, Applicants were given no opportunity to respond in the Appeal Period by December 7, 2002, i.e., without payment of extension fees; in fact, by the time the Advisory Action was issued, the Appeal Period was well into the second month of extension.

Applicants should not have been forced into a position wherein submission of a petition under 37 C.F.R. 1.136 is necessary to keep the application alive. Accordingly, it is hereby requested that, in the interest of fairness, Applicants be absolved of any requirement of extension fee payment in connection with this response. Should it still be determined, however, that an extension fee is required to extend the time for Applicants' response from December 7, 2002 up to and including February 7, 2003, the Assistant Commissioner is hereby authorized to charge said fee to Deposit Account No. 23-1703. ✓